



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/799,073	02/11/97	DAVIS	M ST996505

GATES & COOPER
HOWARD HUGHES CENTER
6701 CENTER DRIVE WEST
SUITE 1050
LOS ANGELES CA 90045

LMC1/0329

EXAMINER

VU, T

ART UNIT

PAPER NUMBER

2756

DATE MAILED:

03/29/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/799,073

Applicant(s)
Davis et al

Examiner
Thong Vu

Group Art Unit
2756



☒ Responsive to communication(s) filed on Feb 11, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-30 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-30 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6,11,12 and 13-30 are rejected under 35 U.S.C. § 102 as being unpatentable over Cookson et al [5,598,276]

As per claim 1, Cookson disclose *a method of transmitting a data segment in a stream using a write module of the type which implements a selected one of a plurality of versions of a streaming protocol* by saying a system and method in which multiple versions of the same motion picture are stored on the same software carrier [col 1 line 55]

(a) *outputting a first stream of data according to a first version of the streaming protocol* such as video information is stored in compressed digital signal [col 5 line 60]; and

(b) *sequentially appending additional streams of data to the first stream of data according to each subsequent version of the streaming protocol up to and including the selected version, if the selected version of the streaming protocol is not the first version of the streaming protocol* such as In a two-version carrier, each of the video and audio tracks contains three types of information. If the letters A and B are used to represent two different versions of the same material, with the letter C being used to represent that part of the overall recording which is common to the

Art Unit: 08/808287

two versions, sections of the track can be identified by the letters A, B and C. If the A version is to be viewed, then all A and C sections must be played; if the B version is to be viewed, then all B and C sections must be played.[col 2 line 34-42].By this rationale claim 1 is rejected.

As per claim 2, Cookson disclose *the step of receiving the data segment from a data stream using a read module of the type which implements a second selected one of the plurality of versions of the streaming protocol* like VCR decoder [fig 2];

the receiving step including the steps of: receiving the first stream of data; if the second selected version is earlier than the first selected version, receiving each additional stream data according to each subsequent version of the streaming protocol up to and including the second selected -version, and disregarding any remaining data in the data segment; if the second selected version is equal to or later than the first selected version, sequentially receiving the additional streams of data according to each subsequent version of the streaming protocol up to and including the second selected version by saying since the C blocks are processed for both versions, there is no need ever to skip over a group of C blocks. Depending on which version is being viewed, however, all A blocks are skipped, or all B blocks are skipped.[col 2 line 52]; and Cookson disclose the *testing, prior to receiving each additional stream of data, whether an end of the data segment has been detected, and if so, terminating reception of the data segment prior to receiving the additional stream of data according to the second selected version* by saying Earlier, it was the default standard that was tested against the authorized standards read from the disk. This time it is the default audio language (either the default language on power-up or a

Art Unit: 08/808287

different language selected by the user if the menu key was operated) that is compared with all of those available. [col 24 line 26] By this rationale claim 2 is rejected.

As per claim 3 Cookson disclose *the data segment an object* such as data block [col 6 line 47]. By this rationale claim 3 is rejected.

As per claim 4 Cookson disclose *the data segment includes all of the data necessary to reconstruct the object; wherein the data stream is serial* by saying the serial block number is one of the first things that is read [col 28 line 54]. By this rationale claim 4 is rejected.

As per claim 5, Cookson disclose *the step of initializing object data that is not received from the data stream to a default value* by saying there are four default settings which are thus determined in order to configure the system [col 22 line 59]. By this rationale claim 5 is rejected.

As per claim 6, Cookson disclose *the transmitting an object type for the data segment; and receiving the object type, including the steps of allocating and initializing an object when receiving the data segment based upon the object type* such as the data block which is being processed at the moment is read and loaded into the several buffers, following which another data block may be read [col 29 line 10]. By this rationale claim 6 is rejected.

As per claim 11, Cookson disclose *the data segment is stored in a current context for the data stream; if so, transmitting an alias tag in lieu of segment; and not, storing the data segment in the current context* by saying most blocks will contain 00 pointer flags and no pointers. (The 00 code is the only one without a following pointer field.) That is because once a frame of either version is being played, or once a frame of the common material is being played, it is most likely

Art Unit: 08/808287

that the next frame will be of the same type. Consequently, a 00 code alone does the job. The net result is that two versions of the same motion picture can be stored on the disk.

By this rationale claim 11 is rejected

As per claim 12, Cookson disclose *the data is a non-random access data stream* by saying data is stored on the disk in blocks.[col 2 line 44]. By this rationale claim 12 is rejected

As per claims 13-30 contain the same limitation of claims 1-6, 11 . By this rationale claims 13-30 are rejected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Cookson et al [5,598,276] in view of Fuller et al [5,767,894] and further in view of Fielding et al [Http, RFC-2068]

As per claim 7,8 Cookson et al disclose the video system but does not teach *the read and write modules are resident on the same computer or separate computer*. However, Fuller et al disclose the video distribution system which could transmit a video programming to customer. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to merge the Fuller's video distribution system to Cookson video system

Art Unit: 08/808287

which would provide the customer more choices to select the different versions of data stream. It would be a design by choice to select the data on local hard disk or local VCR [on the same machine] or through the network [on separate machine].

By this rationale claims 7,8 are rejected

As per claim 9 Cookson-Fuller do not explicit disclose *delimiting the data segment in the data stream begin and end tags* in video distribution system . However Fielding disclose the technique using tags on data stream to verify its function by teaching Language tags and entity tags [Fielding Http, 3.10-3.11]. Therefore , the skilled artisan would be motivated to merged the Fielding teaching into Cookson-Fuller video system to expand through internet and enhance the quality of data transmission through the system which using multi-version protocol. By this rationale claim 9 is rejected.

As per claim 10 Cookson-Fuller-Fielding disclose *no additional tags are embedded in the data segment between the begin and tags* by saying At the end of the software there is a sync word [or tags] which is unique in the sense that this word is not allowed to occur anywhere in the overall data stream. When the sync word pattern appears, it is an indication that the preceding data field has come to an end, and a new field follows [Cookson col 11 line 64]. By this rationale claim 10 is rejected.

Art Unit: 08/808287

Response to Arguments

3. Applicant's arguments filed Jan 21 , 1999 have been fully considered but they are not persuasive.

In regards to argument E on page 4 - applicants arguments are not commensurate with the scope of the claims - claims 1, 19, 24, 28, 29, 30 recite "plurality of versions of a streaming protocol" not multiple protocols. Therefore applicants claim scope is multiple versions of one protocol - which is what Cookson discloses - multiple version of the same (one) motion picture (protocol or data). Applicants argument are not persuasive

Applicants arguments on page 5 regarding that "applicants' invention discloses and claims a system and method for handling data stream which coupling with different protocols" is not commensurate with scope of the claims as written and are not persuasive.

The remainder of each of the arguments presented tries to distinguish over Cookson because Cookson does not teach "data with different protocols", "handle of multi protocols" etc . These arguments are not commensurate with the scope of the claims presented - which recite "plurality of streaming protocol" which means multiple versions of a single protocol. Arguments are not persuasive

By these rationale all claims are rejected.

Art Unit: 2756


Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Thong Vu

Mar 26, 1999


FRANK J. ASTA
SUPERVISORY PATENT EXAMINER
GROUP 2700